

# EXHIBIT 28

IN THE CIRCUIT COURT FOR THE SECOND JUDICIAL DISTRICT  
OF JONES COUNTY, MISSISSIPPI

ESTATE OF BURL BUTLER,  
by and through AVA DEAN BUTLER,  
Executrix of the Estate of BURL BUTLER  
and on behalf of all wrongful death  
beneficiaries of BURL BUTLER

PLAINTIFFS

v.

Civil Action Number: 94-5-53

PHILIP MORRIS INCORPORATED,  
LORILLARD TOBACCO COMPANY,  
BROWN & WILLIAMSON TOBACCO CORPORATION,  
THE AMERICAN TOBACCO COMPANY,  
AMERICAN BRANDS, INC.,  
R.J. REYNOLDS TOBACCO COMPANY,  
AND LIGGETT GROUP, INC.

DEFENDANTS

FINAL JUDGMENT

This day this cause came on to be heard before a jury composed of Phillip S. Buehler and eleven other good and lawful citizens of the Second Judicial District of Jones County, and the jury having heard all the evidence, received the exhibits, and received the instructions of the Court, retired to consider their verdict and presently returned in open court the following verdict, to wit:

- (1) For each defendant, do you find from a preponderance of the evidence that the cigarettes manufactured and sold by that defendant were in a defective condition that was unreasonably dangerous to non-smokers with respect to:

(a) strict liability in tort:

<u>      </u> Yes	<u>  X  </u> No	Brown & Williamson Tobacco Corporation
<u>      </u> Yes	<u>  X  </u> No	Liggett Group, Inc.
<u>      </u> Yes	<u>  X  </u> No	Lorillard Tobacco Company

**FILED**

JUN 03 1999

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WAYNE MYRICK  
CIRCUIT CLERK  
JONES COUNTY, MISS.

\_\_\_\_ Yes                      X No      Philip Morris Incorporated  
\_\_\_\_ Yes                      X No      R. J. Reynolds Tobacco Company

(b) negligent failure to warn:

\_\_\_\_ Yes                      X No      Brown & Williamson Tobacco Corporation  
\_\_\_\_ Yes                      X No      Liggett Group, Inc.  
\_\_\_\_ Yes                      X No      Lorillard Tobacco Company  
\_\_\_\_ Yes                      X No      Philip Morris Incorporated  
\_\_\_\_ Yes                      X No      R. J. Reynolds Tobacco Company

A copy of the jury's verdict is attached hereto as a Exhibit A.

IT IS THEREFORE ORDERED AND ADJUDGED that plaintiffs do have and take nothing of and from the defendants and that this cause be and hereby is fully and finally dismissed with prejudice, at the cost of plaintiffs, for which let execution issue.

SO ORDERED AND ADJUDGED this the 2 day of June, 1999.

  
CIRCUIT COURT JUDGE

Presented By:

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